IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

Crl.Rev.Pet.No. 421 of 1999()

CC.861/1998 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, ATTINGAL

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REVN. PETITIONER: COMPLAINANT

SATHEESH KUMAR
S/O.THANKAPPAN PILLAI
PUNNAVILAKATHU VEEDU VETTU ROAD
KANIYAPURAM P.O.

BY ADV. SRI.M.P.ASHOK KUMAR
SRI.SAJAN SREERAJ

RESPONDENT: ACCUSED

LALJI K.PANICKER
MANAGING PARTNER
PHEONIX EXPORTS AND TRAVELS
SANTHOSH SHOPPING COMPLEX
NEAR KANNAN VARKEY BRIDGE
CIVIL STATION WARD, ALLEPPEY.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.421 of 1999

Dated this the 5th day of July, 2007

ORDER

The revision petitioner is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 204(4) of Crl.P.C. as the complainant was absent. It is submitted by the revision petitioner that he was laid up on the particular day.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the revision petitioner to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The revision petitioner shall appear before the court below on 8.8.2007.

The revision petition is allowed.

K.R.UDAYABHANU,
JUDGE

csl